

Proposed Disapproval of the Texas Regional Haze SIP and Oklahoma Regional Haze SIP and Proposed Revision of the Texas and Oklahoma Regional Haze Federal Implementation Plan to Address Reasonable Progress Requirements of the First Planning Period

FACT SHEET

What is EPA proposing here?

This proposal has two main components. EPA is proposing:

1. To revisit and propose disapproval of portions of the State Implementation Plans (SIP) submitted by Texas and Oklahoma to address Regional Haze requirements for the first planning period.
2. To rescind the sulfur dioxide (SO₂) emission limits we previously promulgated for fifteen Texas electric generating units (EGUs) located at eight power plants as part of a Federal Implementation Plan (FIP) and find that no further measures are necessary as part of the FIP.

This action responds to a voluntary remand of portions of a final rule published in the Federal Register on January 5, 2016, that relate to reasonable progress requirements for Texas and Oklahoma for the first planning period, which ran from 2008 through 2018. We are not revisiting the portions of the Texas and Oklahoma Regional Haze SIP submissions that we approved in the January 2016 final rule.

What is Regional Haze?

Visibility-impairing “regional haze” is caused when sunlight encounters tiny particles of pollution in the air. While the particles absorb some of the light, other light is scattered before it becomes visible. The greater the number of pollutant particles, the more light is absorbed and scattered. The haze reduces clarity and color of what we can see, in this instance, above the nation’s Class I federal areas. EPA has typically focused on nitrogen oxides, sulfur dioxide, and particulate matter as key, man-made visibility-impairing pollutants.

What is a Class I area?

Areas designated as mandatory Class I areas consist of National Parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. In accordance with the Clean Air Act Section 169A, EPA, in consultation with the Department of Interior, promulgated a list of 156 areas designated as mandatory Class I areas where visibility is identified as an important value. Texas has two Class I areas: Big Bend National Park, located in southwest Texas, and the Guadalupe Mountains National Park, located in west

Texas. Oklahoma has one Class I area: the Wichita Mountains Wilderness, located in southwestern Oklahoma.

What is the Regional Haze Rule and what are the Reasonable Progress Provisions?

At the direction of Congress, the EPA promulgated the Regional Haze Rule to address regional haze visibility impairment at mandatory Class I federal areas. The vehicle for achieving the national goal of preventing and remedying visibility impairment in Class I areas caused by manmade air pollution is the submission of a series of regional haze SIPs that include a long-term strategy and Reasonable Progress Goals that provide for “reasonable progress” toward achieving natural visibility conditions for each Class I area for each (approximately) 10-year planning period. In determining what control measures are necessary to make reasonable progress and establishing Reasonable Progress Goals, a State must conduct an analysis that takes into consideration four statutory factors: (1) the costs of compliance, (2) the time necessary for compliance, (3) the energy and nonair quality environmental impacts of compliance, and (4) the remaining useful life of any existing source subject to such requirements. States must demonstrate in their SIPs how they considered these four factors when selecting the Reasonable Progress Goals for each of their Class I areas.

What is the background for this proposal?

In a final rule published in the Federal Register on January 5, 2016, the EPA partially approved and partially disapproved portions of the 2009 Texas Regional Haze SIP submittal for the first planning period. The disapprovals included Texas’s reasonable progress four-factor analysis, Reasonable Progress Goals, and long-term strategy consultation with Oklahoma. In the same action, the EPA also disapproved the portion of the 2010 Oklahoma Regional Haze SIP submittal for the first planning period addressing the reasonable progress provisions and required consultation with Texas to address visibility at Oklahoma’s Class I area.

To address the deficiencies in the Texas Regional Haze SIP that were identified in the 2016 Final Rule, the EPA concurrently promulgated a Federal Implementation Plan (FIP) for Texas that included the EPA’s own reasonable progress four-factor analysis and revised Reasonable Progress Goals for Texas’s Class I areas. Based on the EPA’s reasonable progress four-factor analysis, the EPA established sulfur dioxide (SO₂) emission limits for fifteen electric generating units (EGUs) located at eight Texas coal-fired power plants. The EPA also promulgated a FIP for Oklahoma that included revised Reasonable Progress Goals for Oklahoma’s Class I area and made the finding that the SO₂ emission limits established for the Texas EGUs also addressed the deficiencies in the Oklahoma Regional Haze SIP. The FIP promulgated for Oklahoma did not establish any additional control requirements for sources within Oklahoma.

The State of Texas and industry parties challenged the 2016 Final Rule and filed motions to stay the rule in the Fifth Circuit Court of Appeals (Fifth Circuit). In July 2016, the Fifth Circuit granted the stay of the 2016 Final Rule. Following the Fifth Circuit’s stay,

the EPA took a voluntary remand on the portions of the 2016 Final Rule disapproving the Texas and Oklahoma Regional Haze SIPs and on the FIP promulgated by EPA to address the SIP deficiencies. In response to EPA's motion for partial voluntary remand, the Fifth Circuit remanded the action to EPA on March 22, 2017. Thus, the EPA has an outstanding obligation to complete its action on remand. In today's action, the EPA is responding to the remand by revisiting and proposing to disapprove the same portions of Texas's and Oklahoma's SIP submissions and provide supplemental rationale, where necessary, to support the proposed disapprovals. The EPA is also proposing to amend the FIP by proposing to withdraw the SO₂ emissions limits.

Why is the EPA proposing to withdraw existing SO₂ emission limits?

To complete the remand, the EPA must revisit the SIP disapprovals and the FIP that were part of the final rule published on January 5, 2016. We are proposing to withdraw the SO₂ emission limits and the associated monitoring, reporting, and recordkeeping requirements we established in the FIP for fifteen Texas EGUs based on a variety of factors. These include consideration of the shutdown of several of the same EGUs for which we promulgated emission limits in the 2016 Final Rule, our recently proposed SO₂ best available retrofit technology (BART) emission limits on several of the same EGUs for which we required controls in the 2016 Final Rule, and consideration of the portion of the Fifth Circuit's stay opinion pertaining to the imposition of controls beyond the end of the planning period. We also acknowledge the EPA's opportunity to evaluate Texas's analyses and determinations for the Texas second planning period SIP, including with respect to these remaining EGUs.

What is the impact of this action?

This proposed rule (if finalized) would complete the voluntary remand of portions of a final rule published on January 5, 2016, addressing regional haze obligations for the first planning period in Texas and Oklahoma. The EPA is revisiting and proposing disapproval of portions of both the Texas Regional Haze SIP submission and the Oklahoma Regional Haze SIP submission that relate to reasonable progress requirements for the first planning period. The EPA is also revisiting and proposing to withdraw the SO₂ emission limits we previously promulgated for fifteen Texas EGUs to address the SIP disapprovals in the January 2016 final rule. Given that the Fifth Circuit stayed the 2016 Final Rule in its entirety on July 15, 2016, the SO₂ emission limits we are proposing to withdraw have not gone into effect, and therefore, have never been implemented. In light of this, the EPA does not anticipate that emission levels from these sources would increase from current levels as a result of this proposed action. In addition, several of the same EGUs for which we are rescinding limits have shut down. Also, our separate and recently proposed SO₂ BART emission limits apply to several of the same EGUs for which we required controls in the 2016 Final Rule.

What sources will be impacted by the proposed withdrawal of SO₂ emission limits, and where are these located?

All eight affected power plants for which we are proposing to withdraw SO₂ emission limits are located in Texas. The attached map depicts the location of the affected sources (blue circles) and the surrounding protected national parks and wilderness areas.

- *Sandow Power Plant (Unit 4)* is located in Milam County (approximately 45 miles east-northeast of Austin, TX). This facility has permanently shut down.
- *Martin Lake Electric Station (Units 1, 2, and 3)* is located in Rusk County (in East Texas, approximately 140 miles east-southeast of Dallas, TX).
- *Monticello Power Plant (Units 1, 2, and 3)* is located in Titus County (in East Texas, approximately 105 miles east of Dallas, TX). This facility has permanently shut down.
- *Limestone Generating Station (Units 1 and 2)* is located in Limestone County (approximately 50 miles east of Waco, TX).
- *Big Brown Power Plant (Units 1 and 2)* is located in Freestone County (approximately 80 miles south-southeast of Dallas, TX). This facility has permanently shut down.
- *Coletto Creek Power Plant (Unit 1)* is located in Goliad County (approximately 140 miles southwest of Houston, TX).
- *Tolk Station (Units 171B and 172B)* is located in Lamb County (approximately 59 miles northwest of Lubbock, TX).
- *San Miguel Electric Cooperative* is located in Atascosa County (approximately 50 miles south of San Antonio, TX).

Where can I find information on how to submit comments on EPA's proposal?

The EPA will publish a Federal Register notice with instruction on how to submit comments. See Docket No. EPA-R06-OAR-2014-0754 at <https://www.regulations.gov>. Additionally, we will post the information for instructions to submit comments and how to participate in the virtual public hearing to a regional web site dedicated to this action at <https://www.epa.gov/tx/texas-and-oklahoma-regional-haze-sip-disapproval-and-revision-regional-haze-federal>.

How many days do I have to comment on EPA's proposal?

This proposed action was signed by the EPA Administrator on July 13, 2023. The public comment period will be open for 60 days starting on the date EPA's notice is published in the Federal Register.

For further information contact: Michael Feldman, Feldman.Michael@EPA.gov

The map below depicts the location of the affected sources (blue circles) and the surrounding protected national parks and wilderness areas.

